

JUDICIAL STANDARDS COMMISSION
STATE OF NORTH CAROLINA

FORMAL ADVISORY OPINION: 2007-03

August 10, 2007

QUESTION:

May a judge, when asked to do so, complete the North Carolina Board of Law Examiner's Certificate of Moral Character for an applicant seeking admission to practice law in North Carolina?

COMMISSION CONCLUSION:

The Judicial Standards Commission determined it would be appropriate for judges to complete the North Carolina Board of Law Examiner's Certificate of Moral Character on behalf of an applicant seeking admission to practice law in North Carolina.

DISCUSSION:

Canon 2B of the North Carolina Code of Judicial Conduct provides in part that "a judge should not lend the prestige of the judge's office to advance the private interests of others; nor should the judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge may, based on personal knowledge, serve as a personal reference or provide a letter of recommendation. A judge should not testify voluntarily as a character witness."

The language included in the relevant portion of Canon 2B includes "... a judge may, based on personal knowledge serve as a personal reference or provide a letter of recommendation. This language allows for judges to decline any request to serve as a personal reference or complete the North Carolina Bar Examiner's Certificate of Moral Character. However, if a judge does choose to complete the above mentioned Certificate of Moral Character he or she should do so for only those individuals that the judge has direct personal knowledge.

Canon 2B says in part that "a judge should not testify voluntarily as a character witness." The Commission acknowledged that the completion of the North Carolina Board of Law Examiner's Certificate of Moral Character would be similar to providing testimony as a character witness, however it specifically carved out an exception to this prohibition. The rationale given by the Commission was that the judiciary had a compelling interest in maintaining the integrity and moral character of those seeking admission to practice law in North Carolina.

Reference:

North Carolina Code of Judicial Conduct
Canon 2B